

**TENNESSEE BOARD OF PHARMACY  
MARCH 18 - 19, 2003  
ROOM 160 - DAVY CROCKETT TOWER  
NASHVILLE, TENNESSEE**

**BOARD MEMBERS PRESENT:**

Forrest Parmley, President  
Barbara McAndrew, Public Member  
Reggie Dilliard, Member  
Julie Frazier, Member  
Sheila Mitchell, Member  
Alan Corley, Member

**STAFF PRESENT:**

Kendall Lynch, Director  
Alison Zane, Legal Counsel  
Martha Agee, Board Administrator  
John Beauregard, Pharmacist Investigator  
Terrence Cannada, Pharmacist Investigator  
Harry Fuqua, Pharmacist Investigator  
Richard Hadden, Pharmacist Investigator  
Ralph Staton, Pharmacist Investigator

The Tennessee Board of Pharmacy convened on Tuesday, March 18, 2003, in Room 160 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. A quorum of the members being present, the meeting was called to order at 9:00 a.m. CST by Dr. Forrest Parmley, President.

Dr. Parmley requested a moment of silence due to the world events. Dr. Robert Shutt will not be attending the board meeting.

**RECIPROCAL EXAMINATION**

The Jurisprudence Examination was administered to sixteen (16) applicants, beginning at 10:00 a.m. CST on Tuesday, March 18, 2003. The examination was administered by Pharmacy Board Investigators. All of the applicants successfully completed the examination, were interviewed by the Board and approved for licensure.

**SCORE TRANSFER/NAPLEX JURISPRUDENCE EXAMINATION**

The Jurisprudence Examination was administered to one (1) Score Transfer examinee, three (3) NAPLEX examinees, two (2) Reinstatement examinees and one (1) Foreign Graduate in Room 640 of the Davy Crockett Tower at 10:00 a.m. CST on Tuesday, March 18, 2003. The

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examination was administered by the Pharmacy Board Investigators. All of the applicants successfully completed the Jurisprudence Exam.

#### **APPROVAL OF THE MINUTES**

The **minutes of the November 19 – 20, 2002** board meeting were presented and reviewed by the Board. Dr. Alan Corley motioned to **approve** the minutes; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

The **minutes of the January 21 – 22, 2003** board meeting were presented and reviewed by the Board. Dr. Alan Corley motioned to **approve** the minutes; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

#### **CONSENT ORDERS**

**KEVIN BROOKS, DPH**  
**1420 Gibson Hollow Road**  
**Mount Pleasant, TN 38474**

Ms. Alison Zane, legal counsel, presented a Consent Order for the Reinstatement of Dr. Brook's pharmacist license. Dr. Alan Corley motioned to **accept** the Consent Order; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**COLLETTE FREEMAN, DPH**  
**523 Harding Place, Unit 3**  
**Nashville, TN 37211**

Legal counsel, Ms. Alison Zane, presented a Consent Order for the Revocation of Dr. Freeman's license whereas she violated the terms and conditions of the Consent Order for Reinstatement. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

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**TINA POSEY, DPH**  
**103 Cedarwood Court**  
**Mt. Juliet, TN 37122**

A Consent Order for Reinstatement of License was presented by counsel, Ms. Alison Zane for Dr. Tina Posey. Mrs. Barbara McAndrew motioned to **accept** the consent order; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**WILLIAM D. ROE, JR., DPH**  
**216 N. 17<sup>th</sup>**  
**Humboldt, TN 38343**

A Consent Order was presented by Ms. Alison Zane, legal counsel, whereas Dr. William Roe failed to pay for his own prescriptions which he filled at his employer's pharmacy. Dr. Roe will be placed on a two (2) year term of probation with the following conditions:

1. Dr. Roe will not be allowed to fill his own prescriptions;
2. Dr. Roe will not be allowed to be pharmacist-in-charge;
3. The pharmacy in which Dr. Roe is employed will submit quarterly reports as to his status; and,
4. Shall notify all prospective employers of his chronic pain condition and treatment.

Dr. Reggie Dilliard motioned to **approve** the Consent Order; seconded by Dr. Sheila Mitchell.

All were in favor and the motion carried.

**MICHAEL ROGAN, DPH**  
**1662 McKinney Chapel Road**  
**Rogersville, TN 37857**

Ms. Alison Zane, legal counsel, presented a Consent Order for Reinstatement of License for Dr. Michael Rogan. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**BILLY REGEL, DPH**  
**BARTLETT PRESCRIPTION SHOP**  
**5675 Stage Road**  
**Bartlett, TN 38135**

A Consent Order was presented by counsel, Ms. Alison Zane whereas on or about December 27,

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1999, the inspector observed during a routine inspection to be in violation of Rule 1140-2-.02 (7) relevant to pharmacy technicians not wearing the appropriate name tags. A civil penalty was assessed of \$200. Dr. Sheila Mitchell motioned to **accept** the Consent order; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**TIMOTHY SIMEK, DPH**  
**1009 Windridge Drive**  
**Maryville, TN 37803**

Ms. Alison Zane, legal counsel, presented a Consent Order whereas Dr. Timothy Simek voluntarily surrendered his license due to chemical dependency. Mrs. Barbara McAndrew motioned to **accept** the Consent Order; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**LISA WAKEFIELD, DPH**  
**703 Irene Circle**  
**Covington, TN 38019**

Legal counsel, Ms. Alison Zane presented a Consent Order for Probation for alcohol dependency for Dr. Lisa Wakefield. Dr. Alan Corley motioned to **accept** the Consent Order; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**CURTIS WITT, DPH**  
**5563 North Street**  
**Bartlett, TN 38134**

A Consent Order for Reinstatement of License for Dr. Curtis Witt was presented by counsel, Ms. Alison Zane. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**RESPIRATORY HOME CARE**  
**40 East Broad Street**  
**Cookeville, TN 38501**

A Consent Order was presented by Ms. Alison Zane, counsel, whereas Respiratory Home Care

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was in violation of Rule 1140-3-.03 (9). Respiratory Home Care was dispensing patient specific and stock bottles of prescription legend drugs to patients who were located in North Carolina.

The Cookeville, Tennessee location was not licensed to engage in the practice of pharmacy in the State of North Carolina. A civil penalty of \$1,000 was assessed. Dr. Reggie Dilliard motioned to **approve** the Consent Order; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**SCOTT BARZ, DPH**  
**9711 Hawkdale Lane**  
**Knoxville, TN 37922**

A Consent Order for Revocation of Dr. Barz's license was presented by legal counsel, Ms.

Alison Zane. Dr. Sheila Mitchell motioned to **accept** the Consent Order; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**APRIL SIMMONS, DPH**  
**1425 Water Tower Road**  
**Cedar Grove, TN 38321**

On September 24 – 25, 2002, the board suspended Dr. April Simmons' license until May, 2003 and stated she could petition the Board for reinstatement with no guarantees at that time. Dr. Simmons pled guilty to a crime of filling prescriptions for other member of the family without documented authority from the prescribing practitioner. Dr. Reggie Dilliard motioned to **accept** the proposed Consent Order; and to contact legal counsel, Walter Fitzgerald to confirm; seconded by Dr. Alan Corley. All were in favor and the motion carried.

#### **WAIVERS**

**LISA ANN CITRANO, DPH**  
**603 Graycroft Drive, SW**  
**Huntsville, AL 35802**

Dr. Lisa Citrano is requesting a waiver of Rule 1140-5-.01 relevant to the Live ACPE continuing

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education requirement for the renewal of her pharmacist license. Dr. Citrano is unable to attend the live sessions due to rheumatoid arthritis. Dr. Alan Corley motioned to **grant** the waiver; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**DONNA DOWELL, DPH**  
**259 Cooper Drive**  
**McMinnville, TN 37110**

Dr. Donna Dowell is requesting a waiver of Rule 1140-3-.14 (12) relevant to being the pharmacist in charge at two (2) locations. Dr. Dowell is currently the PIC at Bi-Lo and is requesting to be PIC at Respiratory at Home. Dr. Alan Corley motioned to **grant** the waiver; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**RICHARD MAYNARD, DPH**  
**5534 Beckwith Road**  
**Mt. Juliet, TN 37122**

Dr. Richard Maynard is requesting a waiver of Rule 1140-5-.01 in reference to a rollover of continuing education hours that were obtained during the previous renewal cycle. The Board has established a policy which does not allow any rollover of continuing education hours. Dr. Alan Corley motioned to deny the waiver; seconded by Dr. Sheila Mitchell. Dr. Corley withdrew his motion and Dr. Mitchell withdrew her second. After board discussion, Dr. Alan Corley motioned to **deny** the waiver request; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**MR. GARY MAUPIN**  
**PRESIDENT**  
**MED-02 PHARMACY**  
**2102 North Roane Street**  
**Johnson City, TN 37601**

Mr. Gary Maupin is requesting a waiver of Rule 1140-1-.12 (3) (e) relevant to the hot and cold running water and refrigeration. Med-02 Pharmacy will be handling Albuterol and Ipratropium

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drugs. Dr. Ralph Staton stated the pharmacy has probably 50 square feet. Dr. Alan Corley motioned to **approve** the waiver request; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**DAWN HAHER, DPH**  
**OXYGEN PLUS**  
**1416 McArthur Street**  
**Manchester, TN 37355**

Dr. Dawn Hafer is requesting a waiver of Rule 1140-3-.14 (12) relevant to being the pharmacist in charge at more than one location and Rule 1140-1-.12 (3) (d) and (e) pertaining to the square footage and the hot and cold running water. Dr. Hafer is currently the PIC at Oxygen Plus, a closed respiratory pharmacy and is requesting to be PIC at Baker Brothers Drug Company. Dr. Julie Frazier motioned to **grant** the waivers; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**TERRY M. BRIMER, DPH**  
**DOCTOR'S HOSPITAL PHARMACY, INC.**  
**420 West Morris Blvd.**  
**Morristown, TN 37813**

Dr. Terry Brimer is requesting a waiver of Rule 1140-3-.14 (12) in reference to being the PIC at more than one (1) location. Dr. Brimer is currently the pharmacist-in-charge at Doctor's Hospital Pharmacy and is requesting to be PIC at Midtown Drug Company, which is located in the same building and in one suite. Dr. Sheila Mitchell motioned to approve the waiver. The motion did not carry. The matter was deferred until additional information could be obtained as the waiver may exceed the tech ratio. Dr. Kendall Lynch stated Dr. Terry Brimer was contacted and wished to **withdraw** the waiver request.

#### **TECHNICIAN REGISTRATION**

Director Kendall Lynch advised the Board that since the implementation of the registration for

the pharmacy technicians, the office has received many inquiries as to what constitutes technician duties. For example, if a cashier accepts a refill over the telephone, does this constitute a technician duty? Dr. Lynch stated an amendment to the rule may be necessary.

#### **TERMS AND CONDITIONS FOR REINSTATEMENT OF AN IMPAIRED PHARMACIST LICENSE**

Director Kendall Lynch discussed with legal counsel Ms. Alison Zane, representatives of Tennessee Pharmacists Recovery Network and the Tennessee Medical Foundation to add the following language for the reinstatement of the impaired pharmacist's contract, due to relapsing. Under #1., section (h), the following language is amended to reflect:

(h) The Respondent shall not serve as pharmacist in charge for a period of three (3) years, however, after a period of two (2) years, may petition the Board for a modification of this Order to remove the restrictions upon a show of good cause.

**The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board.**

The Board had no objection to the new language.

#### **LEGAL REPORT/COMPLAINTS**

##### **1. Case No.: L02-PHR-RBS-200102536**

The pharmacist has worked eleven (11) months without being properly licensed because he failed to obtain his required CE credits on two (2) occasions. The pharmacist also allowed his license to expire on August 31, 2002; however, he has renewed it. He is also up-to-date on the required amount of CE credits. The pharmacist admits that he has been working with an expired license and that he was deficient in live CE credits. He responded that he has let his license obligations lapse because he was caring for an ill family member.

*Previous complaints: DPh: None.*

**Recommendation: Consent Order with a civil penalty of \$1,100 and he shall obtain**



**the additional nine (9) hours of live CE credit by December 31, 2003 and submit written proof to the Board of having completed the nine (9) hours by February 1, 2004.**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**2. Case No.: L02-PHR-RBS-200100273**

The Complainant alleges that she mistakenly received a prescription for Glyburide 5 mg, when she should have received a prescription for Oxybutynin 5 mg. The PIC admits the misfill. The Complainant consumed the medication; however, she did not suffer any permanent damages.

*Previous complaints: DPh: None.*

*PIC: (1988, insurance fraud, 3 months suspension, 21 month probation).*

*Pharmacy: None.*

**Recommendation: Letter of Warning to Pharmacist.**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**3. Case No.: L02-PHR-RBS-200101207**

The complainant alleges that the pharmacy has misfilled four (4) of the complainant's mother's prescriptions. In this last incident, the complainant alleges that a prescription for Amitriptyline 10 mg was mistakenly filled with Amitriptyline 100 mg. The Board voted to have an informal conference in this matter because the pharmacist had not responded to the complaint. Upon notification that an informal conference was scheduled, the pharmacist responded that she did not fill the subject prescription and that she checked with the other pharmacists, technicians and the store manager and they do not recall the incident. There appears to be no way to verify if the misfill occurred.

**Recommendation: Dismissal**

Dr. Reggie Dilliard motioned to **dismiss**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**4. Case No.: L98-PHR-RBS-9810 (951283) and L99-PHR-RBS-199901465**

The complaints allege that the pharmacist gave two (2) different patient's prescriptions to the wrong people. The Board voted to have an informal conference in this matter because the pharmacist failed to respond to the complaints against her. Upon notification that an informal conference was scheduled, the pharmacist responded that she checked

the pharmacy's records and had no record that the prescriptions were given to the wrong persons. There appears no way to verify that the incidents occurred.

**Recommendation: Dismissal**

Dr. Alan Corley motioned to **dismiss** the complaint; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**5. Case No.: L03-PHR-RBS-200312490**

The Respondent was arrested for possession of Schedule III Controlled Substances with the intent to distribute them and made an admission to law enforcement that he stole drugs from a pharmacy without a prescription for his own personal use. As a result of the arrest, the Respondent was disciplined by the Georgia Board of Pharmacy by suspending the Respondent's license indefinitely and requires the Respondent to complete a drug treatment program. The Respondent's Tennessee license to practice pharmacy is currently in expired status.

**Recommendation: Consent Order with a provision that states that if he places his license in active status, that he must personally appear before the Board.**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**6. Case No.: L03-PHR-RBS-200312268**

The Complainant alleges that she paid cash for a prescription at the pharmacy because the pharmacist informed her that her insurance carrier initially rejected the prescription. That same day, the Complainant's prescribing physician's office informed the Complainant that the insurance company would accept her prescription. The Complainant subsequently returned to the pharmacy and requested a refund, which was refused. The pharmacist states that the insurance company did reject the Complainant's prescription and that approximately two (2) months later, the pharmacist tried to send the prescription to the insurance company again, but it was rejected again. The pharmacist informed the Complainant that if she straightened the matter out with the insurance company, then he would be happy to give her a refund.

**Recommendation: Dismissal**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**7. Case No.: L03-PHR-RBS-200312014**

The Complainant alleges that he mistakenly received a bottle of Hydrocodone/APAP 7.5/500 instead of the prescribed 7.5/750. The Complainant was only supplied with ten

(10) pills because the pharmacy did not have enough pills to fill the prescription. However, the Complainant states that she told the pharmacist that she would rather have the lower dosage of APAP. When the Complainant went back to the pharmacy to pick up the remainder of the pills, the Complainant was informed that the pharmacist made a mistake in dispensing the first ten (10) pills; the ten (10) pills were 7.5/500, instead of 7.5/750. The pharmacist allegedly gave the Complainant the full prescription; however, the Complainant alleges that he was shorted by twenty (20) pills and that the full amount of the prescription could not fit into the bottle that he was given. The pharmacist denied the shortage of pills stating that it is the pharmacy policy to double count all controlled substance prescriptions and does not acknowledge that the full prescription would not fit in the bottle.

*Previous complaints: PIC: None.*

*DPh: None.*

*Pharmacy: None*

**Recommendation: Letter of Instruction.**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**8. Case No.: L03-PHR-RBS-200312052**

The complaint alleges that an unlicensed pharmacy is distributing prescriptions to patients that are patient-specific; the pharmacy allegedly receives the prescriptions from another source and then the pharmacy puts their label on it and then resells the prescriptions. Upon investigation, it was discovered that the pharmacy is a nuclear pharmacy and it receives a device, not a prescription drug which is a sealed, pre-loaded syringe that is loaded with a titanium-encased radioactive seed intended to be implanted in a patient for the treatment of prostate cancer. The device is FDA approved and it is sent to the pharmacy instead of straight to the physician because of the strict handling guidelines established by the Nuclear Regulatory Commission. Our law and rules does not cover devices.

**Recommendation: Dismissal.**

Dr. Reggie Dilliard motioned to **dismiss** the complaint; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**9. Case No.: L02-PHR-RBS-200211899**

The complaint alleges that the pharmacist labeled the Complainant's prescription of Benzonatate 100 mg with incorrect directions. The label stated "Chew one tablet three times a day". When the Complainant chewed the tablets he experienced breathing problems and began to panic. The Complainant went to the emergency room where the Complainant returned to normal after a few minutes. The prescription was entered into

the hold file by a floater pharmacist who used an abbreviation which he thought would translate into "Take one capsule". The abbreviation entered in the computer translated to "Chew one tablet". Since the prescription was entered into the hold file, the directions were not double-checked. The PIC stated that the hold labels look like the refill labels, so she just checked the contents of the bottle. Also, the pharmacist alleges that the Complainant refused patient counseling, so the error was never detected. Since this incident, the pharmacy has instituted a policy to double-check the labeled directions on all prescriptions entered into the hold file and to identify all prescriptions in the hold file. The Complainant replied to the pharmacist's response and is adamant that he was never offered patient counseling. There is no way to determine if the counseling occurred.

*Previous complaints:*            *DPh: None.*  
   *PIC: None.*

**Recommendation: Letter of Warning to the DPh, Letter of Instruction to the PIC about using abbreviations and develop consistent abbreviations to be used by all pharmacists.**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**10. Case No.: L02-PHR-RBS-200211772**

The Complainant alleges that her child received a prescription for Augmentin 400mg/5ml that was incorrectly labeled "Take 1 tsp. bid", instead of "Take ½ tsp. bid". The child consumed the incorrect dosage and experienced nausea, diarrhea and developed a rash. The PIC admits that the error occurred and explained how the incident occurred. Pharmacy # 1 received the prescription, but they did not have the medicine in stock. So Pharmacy #1 transferred the prescription to Pharmacy #2. The prescription was verbally transferred by a certified pharmacy technician who relayed the incorrect dosage instructions. Subsequent to this incident, the pharmacy has prohibited pharmacy technicians from performing the function of transferring prescriptions.

*Previous complaints: DPh: None.*  
   *Pharmacy: None.*

**Recommendation: Letter of Warning**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**11. Case No.: L02-PHR-RBS-200211753**

The pharmacist's Over-the-Counter Exempt Narcotic Register cited seven (7) sales of prescription drugs during a six (6) month period. One (1) sale was for Atuss DM and six (6) sales of Histinex HC. The pharmacist admitted the violation and stated that he gave

the refilled prescriptions to the patients to help them until their physician could be contacted. The pharmacist provided copies of the prescriptions that were written the day after he gave the patients the medications.

*Previous complaints: DPh: (5/92, chemical impairment)*  
*Pharmacy: None.*

**Recommendation: Consent Order with a civil penalty of \$600.00.**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**12. Case No.: L03-PHR-RBS-200211510**

The complaint alleges that a patient mistakenly received a prescription for Amitriptyline 100mg, instead of 10mg. The patient consumed the incorrect dosage and as a result she fell into a coma and she was hospitalized. During her hospitalization the patient endured several invasive procedures, including a spinal tap. The patient's doctors were able to connect her symptoms to an overdose of medication. The patient was able to recover her expenses through a civil suit.

*Previous complaints: DPh: (1/99, chemical dependency)*  
*PIC: None.*  
*Pharmacy: None.*

**Recommendation: Consent Order with a civil penalty of \$250.00 to DPh and a Letter of Warning to PIC for failure to report any situation which resulted in serious physical injury to a patient.**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**13. Case No.: L02-PHR-RBS-200211449**

The Complainant alleges that the DPh refused to give her the amount of medication that was prescribed. The Complainant had a prescription for three (3) vials of Methotrexate injection; however, the pharmacy would only give the Complainant two (2) vials because of insurance limitations. The Complainant further alleges that three (3) vials is required and that it was verbally approved by the insurance company. The pharmacist confirmed that the insurance company is denying coverage. The pharmacist stated that she contacted the third party representative and was told that in order to get the insurance plan to pay for three (3) vials, she would have to falsify the claim. The pharmacist also stated that she tried to resolve this matter with the physician and the Complainant, but the Complainant became hostile with her. The pharmacist also confirmed that she gave the Complainant two (2) vials of the medication, which amounts to four (4) ml. The prescribed dosage 0.8 ml weekly, which amounts to 3.2 ml monthly. Therefore, the

pharmacist gave the Complainant a month supply of the medication.

**Recommendation: Dismissal**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**14. Case No.: L02-PHR-RBS-200211140**

The Complainant alleges that the pharmacist committed the following violations: (1) the DPh refused to help her and he was rude; (2) the DPh indicated the wrong number of refills on the label and (3) the DPh did not give the Complainant the prescription and when she requested another, the DPh refused to give it to the Complainant. The pharmacist states that the Complainant wanted to transfer her prescription of birth control pills from an out-of-state pharmacy to the subject pharmacy. The Complainant just gave the pharmacist an address to contact. After several phone calls by the pharmacist, the Complainant had to locate the out-of-state pharmacy so that the pharmacist could obtain a copy of the prescription. The pharmacist filled the prescription. After the Complainant picked up the filled prescription, she called and complained about the lack of refills for the birth control pills. A few minutes later, the Complainant called and stated that she did not get the new prescription of birth control pills, when she had just previously called and stated that she did receive them, but was dissatisfied with the amount of refills. At that point the pharmacist did refuse to give the Complainant a new packet.

**Recommendation: Dismissal**

Dr. Reggie Dilliard motioned to **dismiss**; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**15. Case No.: L02-PHR-RBS-200211116**

The Complainant alleges that she did not receive her prescription for Prempro ninety (90) tablets for three (3) months. The Complainant claims that she was shorted on six (6) occasions which resulted in a monetary loss of \$362.00. The pharmacist replied that the prescription was for ninety (90) tablets; however, the pharmacist filled the prescription for twenty-eight (28) tablets six (6) times. The pharmacist did not know why the prescription was filled for twenty-eight tablets. The pharmacist hypothesizes that it was for insurance purposes and also  $28 \times 6 = 168$ . The medication comes in pre-packaged size of eighty-four (84) tablets. It appears that the pharmacist gave the Complainant two (2) pre-packaged tablets of eighty-four (84) tablets each.

**Recommendation: Dismissal**

Dr. Reggie Dilliard motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**16. Case No.: L02-PHR-RBS-200211082**

The Complainant alleges the following violations: (1) that the pharmacy closes several hours early; (2) that the Complainant's prescriptions are not ready when the pharmacy says that they will be ready and the Complainant is frequently forced to wait and (3) that the Complainant received the wrong prescription. The pharmacist denies any allegations about closing early. The pharmacist also stated that they were having problems verifying claims for the Complainant's insurance company. So, the DPh printed labels and filled the prescriptions that the Complainant needed and in so doing, the DPh left one (1) of the prescriptions out of the order and the Complainant had to return to the pharmacy to pick up the prescription. Also, the difficulty experienced by the DPh in processing the Complainant's claims, resulted in the Complainant having to wait to have the prescriptions filled.

*Previous complaints: PIC: None.*

*DPh: None*

*Pharmacy: None.*

**Recommendation: Dismissal**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**17. Case No.: L02-PHR-RBS-200210806**

The Complainant alleges that his prescription for Alprazolam sixty (60) tablets was shorted by thirty (30) tablets. The Complainant further alleges that the DPh refused to replace the missing tablets and refused to do an inventory. The pharmacist responded that they have policy in which they "double count" all of the controlled substance prescriptions. The pharmacist also stated that the Complainant had five (5) prescriptions filled that day and the Complainant only claimed that the Alprazolam was shorted. The pharmacist would not replace the allegedly shorted pills because there was a comment on the Complainant's patient profile indicating that the Complainant has made a previous claim that his controlled substance prescription was shorted. In this case, there was no evidence to verify whether or not the prescription was shorted.

*Previous complaints: DPh: None.*

*Pharmacy: None.*

**Recommendation: Dismissal**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**18. Case No.: L02-PHR-RBS-200208718**

The Complainant alleges that his prescription for Ibuprofen Oral Suspension USP was contaminated with what appeared to be nasal discharge or saliva. The Complainant consumed the medication and developed a rash. The Complainant further alleges that the pharmacy personnel were involved with the contamination. The pharmacy denies any involvement with the contamination of the medication. The pharmacy removed the alleged contaminated bottle from the shelf and quarantined it immediately. The pharmacy then replaced the medication. A pharmacy investigator picked up the bottle and it was returned to the manufacturer who determined that the bottle had lumps in it which is consistent with thermal breakdown, due to exposure to temperatures outside the recommended storage range. We are unable to determine when this problem occurred.

*Previous complaints: DPh: None.*

*Pharmacy: None*

**Recommendation: Dismissal**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**19. Case No.: L03-PHR-RBS-200313233**

The pharmacist executed an out-of-state agreed order suspending his license for five (5) years based on probable cause to believe that the pharmacist failed to maintain accurate patient profiles and failing to maintain accurate computer records for his patients. At the end of the five (5) year suspension period, the Board may or may not reinstate the pharmacist's license. The pharmacist did not admit or deny any of the allegations in the agreed order.

**Recommendation: Consent Order with the same terms and conditions as the out-of-state order with an admission of the allegation that he was disciplined by another jurisdiction.**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**TENNESSEE BOARD OF PHARMACY'S NEW WEB SITE ADDRESS**

Director Kendall Lynch advised that the Tennessee Board of Pharmacy has a new web site address, which may be accessed at: **<http://www.state.tn.us/commerce/boards/pharmacy>**



## **DIRECTOR'S REPORT**

### **AMERICAN COUNCIL ON PHARMACEUTICAL EDUCATION**

Director Kendall Lynch stated the American Council on Pharmaceutical Education (ACPE) and the Council on Credentialing in Pharmacy (CCP) has agreed to initiate a development of national standards and an accreditation process for pharmacy technician education and training.

### **BOARD OF PHARMACY MEETING RESCHEDULED FOR SEPTEMBER, 2003**

Director Kendall Lynch requested that the Board consider changing the board meeting dates originally scheduled for September 16 – 17, 2003, due to the NABP Meeting and ACE Committee Meeting. **The September board meeting has been rescheduled for**

**September 23 – 24, 2003.**

### **FOOD AND DRUG ADMINISTRATION CONFERENCE CALL – FEBRUARY 12, 2003**

Mr. Bill Hubbard with the FDA conducted a conference call with various state boards regarding the importation of drugs from Canada. The FDA unequivocally states that this action “violates the Food Drug and Cosmetic Act (FD&C Act) because virtually every shipment of prescription drugs from Canadian pharmacies to consumers in the U.S. violates the Act.” The Tennessee Board of Pharmacy issues a Cease and Desist letter if the pharmacy is not properly licensed.

### **U. T. COLLEGE OF PHARMACY MEMPHIS, TN**

Director Kendall Lynch stated on **Wednesday, May 28, 2003**, the Board of Pharmacy will administer the Jurisprudence Exam to the U. T. students.

### **NABP's 99<sup>th</sup> ANNUAL MEETING – MAY 3 – 7, 2003 PHILADELPHIA, PA**

The National Association of Boards of Pharmacy's annual meeting will be held in Philadelphia, Pennsylvania on May 3 – 7, 2003. Mrs. Barbara McAndrew nominated Dr. Forrest Parmley to

be the official delegate during the meeting; seconded by Dr. Julie Frazier. All were in favor and the motion carried. Dr. Sheila Mitchell will act as alternate delegate in Dr. Parmley's absence.

### **NABP – VOLUNTEERS NEEDED FOR COMMITTEES AND TASK FORCES**

NABP is seeking volunteers from its active member boards of pharmacy to serve on the Association's 2003 – '04 committees and task forces. A letter of interest and a current curriculum vitae should be submitted to NABP Executive Director/Secretary Carmen A.

Catizone by Friday, May 30, 2003.

### **PROFESSIONAL PRIVILEGE TAX**

The Tennessee Board of Pharmacy has issued the following policy statement as to the "Inactive/Retired" Status for Purpose of Claiming an Exemption from the Professional Privilege Tax.

#### **Policy of Tennessee State Board of Pharmacy as to "Inactive/Retired" Status for Purpose Of Claiming an Exemption from Professional Privilege Tax**

The Tennessee State Board of Pharmacy, construes Tennessee Code Annotated §67-4-1701 et seq., as amended by Chapter 856, Section 7, of the Public Acts of 2002, to permit licensed pharmacists who are not actively engaged in the practice of their respective professions in the State of Tennessee to claim an exemption from the professional privilege tax established therein by presenting the Board with a notarized statement attesting to such inactive/retired status. The Board interprets the term "inactive/retired" to preclude any activity constituting the practice of pharmacy requiring licensing under the provisions of Tennessee Code Annotated, Title 63, Chapter 10.

Any licensee who has claimed "inactive/retired" status in the manner described above may not engage in any activity constituting the practice of pharmacy in the State of Tennessee requiring licensing under Tennessee Code Annotated, Title 63, Chapter 10, without first notifying the Board as to a change to "active" status.

Any licensee who misrepresents his or her "inactive/retired" status or, after having claimed "inactive/retired" status, engages in the practice of pharmacy in this state without giving prior written notification to the Board as to a change to "active" status, shall be deemed to be guilty of unprofessional conduct in the practice of the profession for the purposes of Tennessee Code Annotated, Section 63-10-505, and subject to disciplinary action by the Board.

**Form For Establishing Inactive/Retired Status**

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, License No. \_\_\_\_\_, hereby certify that:  
I do not engage in the practice of pharmacy in the State of Tennessee in that I do not engage in any of the activities requiring me to be licensed as a pharmacist under Tennessee Code Annotated, Title 63, Chapter 10, and that I have read and understand the above-stated policy of the Tennessee State Board of Pharmacy as to attesting to "inactive/retired" status for the purpose of claiming an exemption from the professional privilege tax established in Tennessee Code Annotated §67-4-1701 et seq., as amended by Chapter 856, Section 7, of the Public Acts of 2002.

\_\_\_\_\_  
**SIGNATURE**

SWORN TO AND SUBSCRIBED to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY SIGNATURE**

My Commission Expires: \_\_\_\_\_

**WINN DIXIE PHARMACY**

Director Kendall Lynch advised the Board that Winn Dixie is in the process of creating a central fill facility to be located in Georgia. Central fill is not specifically addressed in our present rules. The Board of Pharmacy Rule 1140-3-.03 (4) (b) would require a statement to certify the information entered into the computer is accurate. Electronic signatures under Rule 1140-3-.04 (2) are not acceptable for controlled substances. Legal counsel, Ms. Alison Zane stated it is legal whether it is in the rules or not. A policy statement will be presented in May placing the responsibility on the pharmacist to make sure it is a valid prescription. Ms. Zane stated the definition is in the lawbook on electronic signature.

**JERRY MEADERS, DPH – REQUEST FOR REINSTATEMENT OF LICENSE  
CHATTANOOGA, TN**

Dr. Jerry Meaders appeared before the Board to request reinstatement of his pharmacist license. Dr. Meaders was accompanied with advocate Dr. Don Jones with the Tennessee Pharmacist Recovery Network. Director Kendall Lynch advised the Board in March, 1999, the Board

accepted a Consent Order for Reinstatement after Dr. Meaders received treatment for chemical dependency. In December, 1999, the Board received notification of a positive urine screen and Dr. Meaders agreed to surrender his license. At the time of surrender, Dr. Meaders was employed in Georgia. The Georgia Board reinstated Dr. Meaders' license on January 30, 2002, with restrictions. Advocate, Dr. Don Jones stated Dr. Meaders was compliant with the TPRN contract. Dr. Jones stated the supervisor at CVS noted Dr. Meaders is doing a good job, is prompt and has good rapport with the customers. Dr. Jones stated the maximum number of hours Dr. Meaders can work is forty (40). Dr. Meaders stated his support network consists of friends and has learned to ask for assistance. After board discussion, Dr. Alan Corley motioned:

1. Respondent does hereby agree to the reinstatement of license number # 4947 with the following probationary conditions. Said probation shall remain in effect for a period of five (5) years:

(a) The Respondent shall completely abstain from the consumption of alcohol and controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.

(b) The Respondent shall consume no medications unless they are prescribed by his primary physician, David Winters, MD. The Respondent shall immediately notify the Board office of the name of his primary physician each time the Respondent changes primary physicians.

(c) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment.

(d) The Respondent shall report to the Board, in writing, the ingestion

of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement).

(e) The Respondent shall be subject to perpetual, random sampling of urine, blood or bodily tissues, at his own expense, by agents of the Board.

(f) Should any sampling indicate the presence of drugs for which the Respondent does not have a valid prescription, a show cause order will be issued to determine why the probation and the Respondent's license should not be immediately revoked.

(g) The Respondent shall comply with all the terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office.

(h) The respondent shall not serve as pharmacist in charge for a period of three (3) years, however, after a period of two (2) years, may petition the Board for a modification of this Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board.

(i) If the license has been inactive, delinquent, suspended or revoked:

② One (1) year to not more than five (5) consecutive years, the pharmacist shall:

1. Provide written notice requesting an active license.
2. Satisfy all past due continuing pharmaceutical education.
3. Successfully complete the jurisprudence examination.

4. Pay all cumulative license renewal fees and any applicable penalties.
5. Complete a period of pharmacy internship in Tennessee:
  - i. From one (1) year to not more than three (3)  
consecutive years, one hundred sixty (160) hours  
within ninety (90) consecutive days.

And must comply with the conditions of the Georgia Board of Pharmacy; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

Dr. Meaders may furnish a letter from the district manager stating the number of hours worked to comply with the pharmacy internship requirement.

#### **ADJOURNMENT**

Dr. Forrest Parmley adjourned the Board of Pharmacy meeting on Tuesday, March 18, 2003 at 4:00 p.m. CST.

#### **RECONVENED**

The Board of Pharmacy reconvened on Wednesday, March 19, 2003, at 9:00 a.m. CST in Room 160 of the Davy Crockett Tower. President Forrest Parmley called the meeting to order. All members were present with the exception of Dr. Robert Shutt.

#### **LEGISLATION**

Director Kendall Lynch stated that the implementation of the Controlled Substance Monitoring Act depends on the use of \$300,000 in Board of Pharmacy reserves. Dr. Lynch petitioned the board members to discuss with their legislature to ensure those funds remain intact.

House Bill #1638 requires the employer to pay for the technician registration fees for any technician.

Senate Bill #1644 requires no payment for the technician registration.

1. Technicians requested the registration because of the accessibility to confidential patient data.
2. Fifty (50) percent of complaints involve technicians.
3. Accountability.
4. Technician fees range from \$40 - \$100 biennially.

Legal counsel, Ms. Alison Zane and Director Kendall Lynch asked the Board to authorize a white paper on the issue subject to their approval. Dr. Alan Corley motioned to **authorize the statement**; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**RANDALL JEAN, DPH – REQUEST FOR REINSTATEMENT OF LICENSE  
LEWISBURG, TN**

Dr. Randall Jean appeared before the Board along with advocates, Dr. Morris Haddox, and Dr. Cliff Weiss to request the reinstatement of his pharmacist license. Director Kendall Lynch stated Dr. Jean was disciplined by the board in September, 1996 for chemical dependency and placed on five (5) years probation. In August, 2002, the board office received notification that Dr. Jean may have relapsed on alcohol. In December, 2002, Dr. Jean contacted Director Lynch and stated he was in Charter Cresthaven.

Dr. Forrest Parmley recused himself from the position as president and turned the chair over to Dr. Reggie Dilliard.

Dr. Jean stated on August 29, 2002, he went to Middle Tennessee Mental Health for an evaluation as he had become upset with his wife and children. Dr. Jean stated he signed an aftercare contract while he was in treatment. Dr. Morris Haddox stated Dr. Jean is attending Caduceus and A/A meetings, has completed the 90/90 meetings and is compliant with the TPRN requirements. Dr. Cliff Weiss stated Dr. Jean has signed a five (5) year contract with TPRN. Dr. Jean stated he is supported by his family and has been offered a position at the K-Mart Pharmacy in Franklin. After board discussion, Dr. Julie Frazier motioned:

1. Respondent does hereby agree to the reinstatement of license number #4679 with the following probationary conditions. Said probation shall remain in effect for a period of five (5) years:

(a) The Respondent shall completely abstain from the consumption of alcohol and controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.

(b) The Respondent shall consume no medications unless they are prescribed by his primary physician, John Brown, MD. Dr. Randall Jean stated he was in the process of changing physicians to Dan Halford, MD. Respondent shall immediately notify the Board office of the name of his primary physician each time the Respondent changes primary physicians.

(c) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment.

(d) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement).

(e) The Respondent shall be subject to perpetual, random sampling of urine, blood or bodily tissues, at his own expense, by agents of the Board.

(f) Should any sampling indicate the presence of drugs for which the Respondent does not have a valid prescription, a show cause order will be issued to determine why the probation and the Respondent's license should not be immediately revoked.



(g) The Respondent shall comply with all the terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office.

(h) The Respondent shall not serve as pharmacist in charge for a period of three (3) years, however, after a period of two (2) years, may petition the Board for a modification of this Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a “floater” for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board.

(i) If the license has been inactive, delinquent, suspended or revoked:

① Less than one (1) year, the pharmacist shall:

1. Provide written notice requesting an active license.
2. Satisfy all past due continuing pharmaceutical education.
3. Pay all cumulative license renewal fees and any applicable penalties.

Dr. Alan Corley seconded the motion. All were in favor and the motion carried.

Dr. Reggie Dilliard relinquished the president position to Dr. Forrest Parmley.

**KIRK ETHRIDGE, DPH – REQUEST FOR REINSTATEMENT OF LICENSE  
BULLS GAP, TN**

Dr. Kirk Ethridge appeared before the Board to request reinstatement of his pharmacist license.

Dr. Ethridge was accompanied with advocates, Dr. Kenny Archer and Dr. Edwin Bills with TPRN and Mr. Eric Ambergey with Cornerstone. Dr. Kendall Lynch stated in July, 2002, Dr. Ethridge was videotaped drinking from a Tussionex bottle. Dr. Ethridge stated he went to

Cornerstone as an in-patient for four (4) weeks and then to a half-way house for two (2) months.

Dr. Ethridge stated he has TPRN advocacy, completed the 90/90 meetings, attends Caduceus and the twelve-step program. Dr. Ethridge's support group consists of family and TPRN. Dr. Kenny Archer stated Dr. Ethridge has been willing and is compliant with TPRN. Dr. Edwin Bills stated Dr. Ethridge shows no resistance, and demonstrates a good attitude. Mr. Eric Ambergey stated Dr. Ethridge was very talkative today as he would not discuss anything when he first attended Cornerstone and has done well with recovery. After board discussion, Dr. Sheila Mitchell motioned:

1. Respondent does hereby agree to the reinstatement of license number #7043 with the following probationary conditions. Said probation shall remain in effect for a period of five (5) years:

(a) The Respondent shall completely abstain from the consumption of alcohol and controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.

(b) The Respondent shall consume no medications unless they are prescribed by his primary physician, Steven Baumrucker, MD. The Respondent shall immediately notify the Board office of the name of his primary physician each time the Respondent changes primary physicians.

(c) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment.

(d) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will

satisfy the requirement).

(e) The Respondent shall be subject to perpetual, random sampling of urine, blood or bodily tissues, at his own expense, by agents of the Board.

(f) Should any sampling indicate the presence of drugs for which the Respondent does not have a valid prescription, a show cause order will be issued to determine why the probation and the Respondent's license should not be immediately revoked.

(g) The Respondent shall comply with all the terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office.

(h) The Respondent shall not serve as pharmacist in charge for a period of three (3) years, however, after a period of two (2) years, may petition the Board for a modification of this Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board.

(i) If the license has been inactive, delinquent, suspended or revoked:

① Less than one (1) year, the pharmacist shall:

1. Provide written notice requesting an active license.
2. Satisfy all past due continuing pharmaceutical education.
3. Pay all cumulative license renewal fees and any applicable penalties.

Mrs. Barbara McAndrew seconded the motion. All were in favor and the motion carried.

**DAVID BROWN, DPH – REQUEST FOR REINSTATEMENT OF LICENSE  
MURFREESBORO, TN**

Dr. David Brown appeared before the Board to request reinstatement of his pharmacist license. Dr. Morris Haddox, Dr. Cliff Weiss and Dr. Jamie Mason with TPRN advocated on his behalf. Director Kendall Lynch stated in September, 2002, the office received a report that Dr. Brown was diverting Hydrocodone for personal use which he denied the allegation but was caught on tape. Dr. Brown went to Charter and surrendered his license in December, 2002. Dr. Haddox and pharmacist investigator, Dr. Terrence Cannada intervened on Dr. Brown. Dr. Brown stated he has the support of his parents, wife, in-laws, and siblings. Dr. Brown stated the 90/90 meetings will be completed on March 29, 2003. Dr. Haddox stated he supports Dr. Brown and his efforts. Dr. Jamie Mason stated Dr. Brown is a different person and advocates on his behalf. Dr. Cliff Weiss stated Dr. Brown was compliant with the requirements of TPRN. After board discussion, Dr. Reggie Dilliard motioned:

1. Respondent does hereby agree to the reinstatement of license number #6766 with the following probationary conditions. Said probation shall remain in effect for a period of five (5) years:

(a) The Respondent shall completely abstain from the consumption of alcohol and controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.

(b) The Respondent shall consume no medications unless they are prescribed by his primary physician, Mark Josovitz, MD. The Respondent shall immediately notify the Board office of the name of his primary physician each time the Respondent changes primary physicians.

(c) The Respondent shall destroy any unused controlled substances

prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment.

(d) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement).

(e) The Respondent shall be subject to perpetual, random sampling of urine, blood or bodily tissues, at his own expense, by agents of the Board.

(f) Should any sampling indicate the presence of drugs for which the Respondent does not have a valid prescription, a show cause order will be issued to determine why the probation and the Respondent's license should not be immediately revoked.

(g) Respondent shall comply with all the terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office.

(h) The Respondent shall not serve as pharmacist in charge for a period of three (3) years, however, after a period of two (2) years, may petition the Board for a modification of this Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board.

(i) If the license has been inactive, delinquent, suspended or revoked:

① Less than one (1) year, the pharmacist shall:

1. Provide written notice requesting an active license.

2. Satisfy all past due continuing pharmaceutical education.
3. Pay all cumulative license renewal fees and any applicable penalties.

Dr. Julie Frazier seconded the motion. All were in favor and the motion carried.

#### **ADJOURNMENT**

Dr. Alan Corley motioned to adjourn the Board of Pharmacy meeting on Wednesday, March 19, 2003 at 12:20 p.m. CST; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

Respectfully submitted,

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Forrest Parmley, President

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Kendall M. Lynch, Director